

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

September 21 of 2006



CU 06-12: L. Gene Kornegay

CASE DESCRIPTION: request for approval of a Conditional Use Permit to allow conversion of an existing commercial building to a single-family residence on property in a 'C-1' Office zoning district

LOCATION: 2727 Osborn Lane between Forest Glen Court and Braeswood Drive in eastern Bryan, Brazos County, Texas

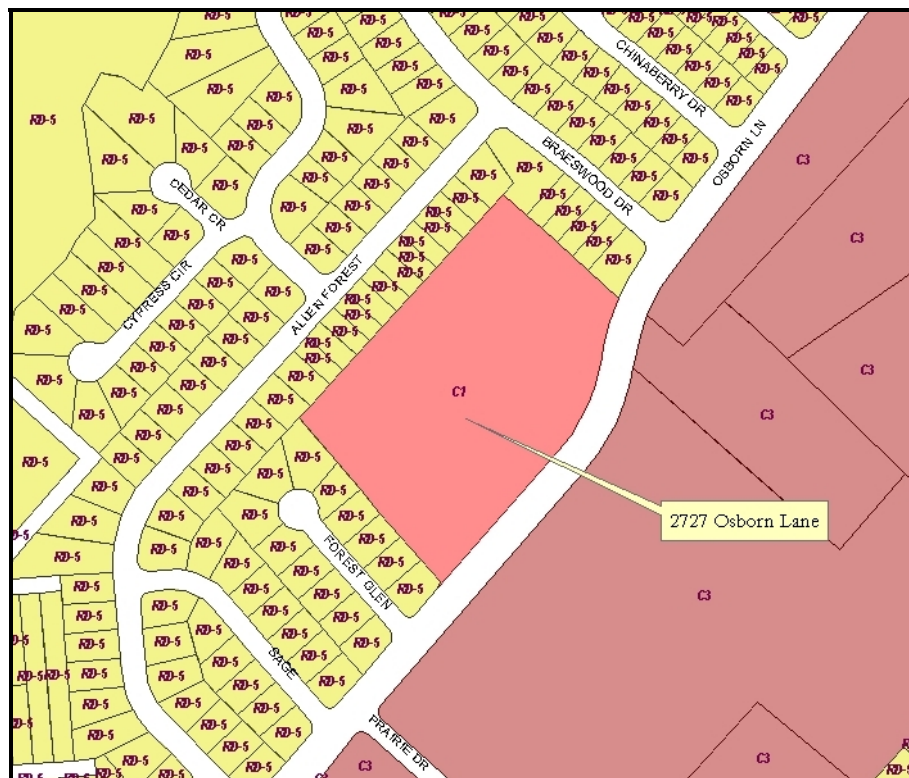
LEGAL DESCRIPTION: 8.82 acres known as the Allen Estate

EXISTING LAND USE: vacant commercial building

APPLICANT(S): L. Gene Kornegay

STAFF CONTACT: Martin Zimmermann, Senior Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit.





BACKGROUND:

The subject property is zoned 'C-1' Office District. The proponent desires to use an existing office building on the subject property as a single-family home. Bryan's Zoning Ordinance stipulates that residential uses are not generally allowed in nonresidential zoning districts, including the 'C-1' District. Residences may be allowed in 'C-1' zoning districts only if the Planning and Zoning Commission approves a Conditional Use Permit allowing a specific residential use on a particular property.

The proponent is requesting approval of such a Conditional Use Permit to allow conversion of the existing office building to a single-family residence.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Conformance with Zoning Ordinance

The proposed residence conforms to all applicable development regulations and standards established by the Zoning Ordinance.

2. Compatibility with Surrounding Land Uses

Staff believes the proposed residential use at this location is generally compatible with existing residential uses abutting the subject property.

3. Effect on Vehicular and Pedestrian Traffic in the Vicinity

Staff does not anticipate negative effects on vehicular and pedestrian traffic if the Conditional Use Permit were approved, in this particular case.

4. Protection from Erosion, Flood or Water Damage, Fire, Noise, Glare, and Similar Hazards or Impacts

Staff was unable to identify any adverse impacts that may result from the proposed conversion of this office building to a residence.

5. Adequacy and Convenience of Off-street Parking and Loading Facilities

Adequate and convenient off-street parking is provided on the premises.

6. Conformance with the Objectives and Purpose of the Zoning District

The zoning ordinance's requirement for Conditional Use Permit approval of residential use in nonresidential zoning districts stems from a concern that new residences may break up large tracts suitable for modern commercial development. That would diminish the appeal of land reserved for such development, leading to long-term vacancy or underutilization of land surrounding the residences allowed in nonresidential zoning districts.

Because of the aforementioned concerns, staff would not ordinarily recommend approving one single-family residence on an 8.8-acre tract that is reserved (and zoned) for office use. In this particular case, however, an existing structure already occupies the subject property. Staff believes that, under these circumstances, allowing conversion of the existing office building to a single-family residence on this property conforms to the objectives and purpose of the Zoning Ordinance.

RECOMMENDATION:

Staff recommends **approving** this Conditional Use Permit.